

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:07CV175

**BUNCOMBE COUNTY
BOARD OF EDUCATION,**

Petitioner,

Vs.

STUDENT A.R.,

Respondent.

ORDER

THIS MATTER is before the Court on the parties' joint motion to continue the temporary restraining order ("TRO") recently entered herein enjoining the enforcement of the Individuals with Disabilities Act, 20 U.S.C. § 1400, *et seq.*, against Petitioner Buncombe County Board of Education insofar as the same relates to Respondent Student A.R., and enjoining Respondent Student A.R. from being present on any property owned or operated by Petitioner. **Joint Motion to Continue Temporary Restraining Order, filed May 16, 2007; Order, filed May 11, 2007.** The original TRO is set to expire on May 21, 2007. Both parties appeared before this Court on May 16, 2007, for a hearing on the joint motion to

continue the TRO, at which time the parties consented to and requested the extension of the TRO until June 11, 2007.

The Federal Rules of Civil Procedure state a TRO shall “not . . . exceed 10 days . . . unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record.” **Fed. R. Civ. P. 65(b)**. Based upon the Court’s review of the filings made by the parties, as well as the statements of counsel made to the Court during the hearing, which the Court adopts as correct and properly supported as reason for the requested extension, the undersigned finds an extension of the TRO until June 11, 2007, is warranted. As stated by the parties, the gravity of this case is unique and cannot be underestimated. Respondent Student A.R. requires additional medical attention and mental health evaluation before returning to school, and both parties are working toward the goal of establishing a plan to assist this student in overcoming his disability. The parties intend to have such a plan in place by June 11, 2007, and the undersigned believes an extension of the TRO is reasonable and necessary for the attainment of this beneficial goal.

Accordingly, pursuant to the Federal Rules of Civil Procedure, Respondent A.R. has consented to the extension of the TRO, and both parties' reasons for this extension have been entered into the record. ***Id.*** The undersigned, therefore, finds good cause for a continuance of the TRO until June 11, 2007, at which time the parties shall return for a hearing regarding a preliminary injunction on this matter unless said Order has previously been dissolved by the Court.

IT IS, THEREFORE, ORDERED that the temporary restraining order previously entered by Order dated May 11, 2007, in this case is hereby **CONTINUED** to June 11, 2007, unless dissolved by the Court before said date.

Signed: May 17, 2007

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

